Town of Westfield

APPLICATION

This appeal is from (applicant's name)

Street address

376

Siith Are, East telephone

e-mail Opin to law @ current fax (908) 317-9405

for property in Westfield, NJ located at (street address) 439 Central Are, Westheld, NJ 07090

II. To: (check one)

M Planning Board

[ ] Board of Adjustment

Board Secretary: Ms. Linda Jacus

908-789-4100 extension 4602

Both Boards: 959 North Avenue West, Westfield, NJ 07090:

FAX 908-789-4113

### III. For a Hearing For: (Check all applicable)

Specific	Applicable	Sections of th	e Westfield	L.U.O. for:
Specific	ADDITIONIC	Sections of th	ic vicsticia	L.U.U.

Subm	nission Requirements Checklists	<u>Procedures</u>
[ Y*C variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
[ ] *D variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
[ ] Conceptual Site Plans & Subdivisions	9.04	8.07
[ ] Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
Preliminary Major Site Plan	4.03C,9.02, 9.03, 9.09	4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
Final Major Site Plan	9.02, 9.03, 9.10	8.06, 8.11
[ ] Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
[]*Preliminary Major Subdivision	4.03D,9.02, 9.03, 9.06	4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
[] Final Major Subdivision	9.02, 9.03, 9.07	8.06, 8.11
[] **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
[ ] *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2	4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
[] *Structure on lot not abutting street	7.01F2	4.04, 701F, 8.04. 8.06, 8.13, 8.14
[ ] *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
[] *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3	4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
[] Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

<sup>\*</sup>Public noticing is required pursuant to Section 4.03 & 4.04 \*\* A major site plan review is also required with a conditional use application

IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements.
All subdivision appeals must state the present and proposed number of fors.
We are requesting 10 additional porking spaces in addition to
in already by show and expansion of 1st Hour permitta use to
Il hacement. New knownt will have six (a) employed and an
additional ten spaces would be needed to be compliant under the
present ordinance: Please see prograph B of applicant's letter dated July 21, 2020 which is part of this application.  V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.
V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.
C laller de la
the way the backgrint wayd cause to higaine inglist or the
The wall is concert of the street porting would not impact six street
in a regarine fashion. Single user for 1st floor and basement is a good ovorall
use. Sate ingress and egress is to be assured as sprintles are at various points.
VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.
•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.
·Street address 439 Central Anome
Zone district 6B-1 Block No. 3206 Lot No. 6
•Dimensions of lot 50.00' × 98.62' Area of lot 4, 863.86 sq. ft.
·Use of premises present Vacant formerly Chicopractic office (Permitta)
·Use of premises present Vacant formerly Chicopractic office (Permitta)
•Use of premises present Vacant formerly Chico practic office (Pernitted)  proposed Muscage Thrapy (Pernitted)  The proposed use is: [permitted by ordinance [] a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment
•Use of premises present Vacant formerly Chico practic of fice (Pernitted)  proposed Muscage Thrapy (Pernitted)  The proposed use is: [permitted by ordinance [] a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment  [] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use
*Use of premises present Vacant formerly Chiroppache of the (Permitter)  The proposed wise is: [Ipermitted by ordinance [] a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment  [] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use  Name of Owner John A. Pinto Family Limited Partnershyp Telephone No. 908 - 317 - 9405  Fax. No. 908 - 317 - 9405  Fax. No. 908 - 317 - 9554
*Use of premises present Vacant formerly Chiroppache of the (Permitted)  The proposed we is: [premitted by ordinance [] a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment  [] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use  Name of Owner John A. Pinto Family Limited Pathershyp Telephone No. 908 - 317 - 9405  Street address of Owner 374 South At E. Fax. No. 908 - 317 - 9554  *Does the above owner also own any property that abuts the subject property?
*Use of premises present Vacant formerly Chiropmetic of fice (Permitted)  The proposed wise is: [permitted by ordinance [] a conditional use which has been granted by the Planning Board of Adjustment  [] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use  Name of Owner John A. Pinto Family Limited Partnershy Telephone No. 908 · 317 - 9405  Street address of Owner 374 South At E. Fax. No. 908 · 317 - 9405  Westfield NT 67050  *Does the above owner also own any property that abuts the subject property?  [] Yes If yes, address:
*Use of premises present Vacant formerly Chico practic of fice (Permitted)  The proposed use is: [Infermitted by ordinance [] a conditional use which has been granted by the Planning Board of Adjustment  [] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use  Name of Owner John A. Pinto Family Limited Partnershyl Telephone No. 908 - 317 - 9405  Street address of Owner 374 South fire E. Fax. No. 908 - 317 - 9405  *Does the above owner also own any property that abuts the subject property?  [] No [] Yes If yes, address:  If yes, is the abutting property subject to the Loechner-Campoli rule of merger? [] No [] Yes (If you don't know, check with the Tay Assessor in the Municipal Building.)
*Use of premises present Vacant formerly Chirapteche of fice (Permitted)  The proposed missage Thrapy (Permitted)  The proposed use is: [permitted by ordinance [] a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment  [] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use  Name of Owner John A. Pinth Family Limital Partnershyr Telephone No. 908 - 317 - 9405  Street address of Owner 376 South fire E. Fax. No. 908 - 317 - 9554  **Does the above owner also own any property that abuts the subject property?  [] No [] Yes If yes, address:  If yes, is the abutting property subject to the Loechner-Campoli rule of merger? [] No [] Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)  *Are there any present deed restriction(s) which affect this property? [] No [] Yes If yes, attach copy of deed, including language of restriction(s).
*Use of premises present Vacant formerly Chircometic office (Pernitta)  The proposed we is: [Infermitted by ordinance [] a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment  [] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use  Name of Owner John A. Cirito Family Limited Participate Pelephone No. 908 - 317 - 9405  Street address of Owner 374 South Are E. Fax. No. 908 - 317 - 9554  **Does the above owner also own any property that abuts the subject property?  [] No [] Yes If yes, address:  If yes, is the abutting property subject to the Loechner-Campoli rule of merger? [] No [] Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)  *Are there any present deed restriction(s) which affect this property? [] No [] Yes If yes, attach copy of deed, including language

VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)					
If applicant (or owner) is to be represented by an attorney, please furnish the following information:					
Attorney's name Darin U. Pinto, 638. Telephone No. 908-311-9405					
Attorney's name Darw D. Pitto, 638. Telephone No. 908-311-9405  Attorney's firm Fax. No. 968-311-9554  Street address 376 South Are. East, Westfield, NS 07090					
Street address 316 South Art. East, Westfreld, NS 07090					
VIII. Notarization:  I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time					
I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.					
AMY H. POSYTON Davin D. Finlo					
NOTARY PUBLIC Signature of Applicant (in the presence of a Notary)					
STATE OF NEW JERSEY MY COMMISSION EXPIRES JAN 19, 2021  Print Name: Daria D. Pinto					
Sworn and Subscribed to Address: 376 South Are East					
before me this 28th Westfield, NJ 07050					
(201) 522-7885					
Notary Public  Business phone (908) 317-9-105					
<ul> <li><u>IX.</u> Do not write in the following spaces:</li> <li>TO BE COMPLETED BY THE ZONING OFFICER:</li> <li>To the best of my knowledge and belief, this application is complete and correct.</li> </ul>					
This application is currently the subject of a:					
Zoning violation notice, No, copy enclosed, copy enclosed, copy enclosed.					
Other pending action, (describe)  None of the above					
Signature					
·					
TO BE COMPLETED BY THE BOARD SECRETARY:					
Has there been any previous appeals(s) involving these premises?  [ ] No					
TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:					
Application accepted as complete on 423/21					

Signature

### TOWN OF WESTFIELD

### LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

# SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

n addition to the submission requirements for the individual categories of applications in the following sections, ill categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

lote	: This list must be consistent v	vith the Variance Table, if oth	nerwise required.
•	Section: 17.02C7e	Nature of Deficience	cy: Off Street Parking/Limited Lot
	Permitted: 20 Spaces	Present:10 Spaces	Proposed: 10 Spaces
	Section:	Nature of Deficience	cy:
	Permitted:	Present:	Proposed:
	Section:	Nature of Deficien	cy:
	Permitted:	Present:	Proposed:
	Section:	Nature of Deficien	
	Permitted:	Present:	Proposed:
	Section:	Nature of Deficien	cy:
	Permitted:	Present:	Proposed:
	Section:	Nature of Deficien	cy:
	Permitted:	Present:	Proposed:
•	Section:	Nature of Deficien	cy:
	Permitted:	Present:	Proposed:
	Section:	Nature of Deficien	ncy:
	Permitted:	Present:	Proposed:

### LAW OFFICES OF DARIN D. PINTO, P.C.

Attorneys at Law 376 South Avenue East Westfield, New Jersey 07090 Telephone: (908) 317-9405 Facsimile: (908) 317-9554 dpintolaw@comcast.net

July 21, 2020

### UPS OVERNIGHT DELIVERY

Township of Westfield Linda Jacus, Board Secretary Westfield Planning Board 959 North Avenue Westfield, New Jersey 07090

Re: John A. Pinto Family, L.P. f/b/o
Jong Li & Jing Shi Li t/a Aroma Spa
Expansion of Permitted Use & Parking Variance Application
439 Central Avenue, Westfield, New Jersey 07090

Dear Linda:

Please be advised that this firm represents John A. Pinto Family, L.P. for the benefit of Jong Li & Jing Shi Li trading as "Aroma Spa" with respect to the above-referenced matter. Attached is our revised submission per your comments.

### Section 9.02 - Submission Requirements:

- A. We attach the following:
  - (1) Twelve (12) copies of the site plan dated April 13, 2020 from the Architect, Thomas N. DiGiorgio, A1A.
  - (2) Twelve (12) copies of survey dated March 21, 2011 from Parker Engineering & Surveying, P.C.
  - (3) Twelve (12) sets of the Planning Board Application.
- B. Written Description of the Application John A. Pinto Family, L.P., (the "Applicant"), for the benefit of tenant, Jong Li & Jing Shi Li trading as "Aroma Spa", seeking Preliminary and Final Major Site Plan and Bulk ("c") Variance approvals in connection with the property located at 439 Central Avenue, Westfield, New Jersey 07090, further identified as Block 3206, Lot 6 on the Tax Maps of the Town of Westfield (the "Property"). The Property, which is comprised of approximately 2,442 square feet, and an additional 1,221 square feet of basement, is situated within the Town's GB-1 (General Business) Zone District (the "GB-1 Zone"). The Property is improved with a 2-story brick and frame building and an accessory off-street motor vehicle parking area. The existing building is currently occupied by one (1) residential tenant occupying the second floor and one (1) commercial tenant about to be occupying the first floor and basement. The Applicant has proposed that the existing footprint shall not be expanded but that the use by tenancy as a massage therapy center be expanded to the basement of the building. The first floor is an approved use for the GB-1 Zone. The basement area is presently used

Law Offices of Darin D. Pinto, P.C.

Linda Jacus, Board Secretary Westfield Planning Board July 21, 2020 Page 2

for storage for the original tenant, Advanced Wellness of Westfield, LLC, which is being dissolved but will be offered to new tenant, Aroma Spa. The application includes a variance of the provision of an expansion of parking (10 spaces, including one handicap) where 20 spaces are needed. All site lighting and landscaping shall remain the same. The tenant is making no interior changes to the space.

- C. <u>Waiver/Variances Sought</u> Please see attached Schedule "A" Table of Requirements and Variances Summary and Schedule "B" List of Existing Nonconforming Zoning Conditions.
- D. <u>Fees and Escrow Deposits</u> John A. Pinto Family, L.P. has already remitted fees requested and escrow deposit. If more is needed, Applicant shall pay same immediately upon your office providing those figures.
- E. <u>Certificate of Tax Collector</u> Proof of compliance is attached hereto as Exhibit "C".
- F. Prior Actions Upon information and belief, no prior actions affect John A. Pinto Family, L.P. or tenant's use. Kindly provide the requisite Certification if a prior action exists which has not been discovered by John A. Pinto Family, L.P.
- G. <u>Affidavit of Ownership</u> John A. Pinto Family, L.P. acquire title by Deed on or about May 1, 2003. The present owner, although making this application for the tenant, has consented to this application, which Consent is attached hereto as Exhibit "D".
- H. N/A.
- I. Other Government Approvals Government approval is required for this application from the Union County Planning Board and is being submitted simultaneously with this application.
- J. N/A
- K. <u>Protective Covenants/Deed Restrictions</u> Upon information and belief, no protective covenants or deed restrictions affect this property.

### Section 9.03, 9.08 & 9.09 - Submission Requirements:

Upon information and belief, the Site Plan from Thomas N. DiGiorgio, AIA dated April 13, 2020 complies with the requirements of 9.02B, 9.02L, 9.03, 9.08, 9.09A, 9.09G, 9.09H. 9.09J & 9.09L. Notwithstanding, if deemed non-compliant, John A. Pinto Family, L.P. requests a waiver of Section 9.03P relating to submission of construction details and specifications for the nature of the site improvements.

Law Offices of Darin D. Pinto, P.C.

Linda Jacus, Board Secretary Westfield Planning Board July 21, 2020 Page 3

Please contact me if you have any questions or comments. We have remitted notice to all owners of property within 200 feet of the John A. Pinto Family, L.P. parcel via certified mail. Thank you for your assistance in this regard.

Very truly yours

DARIN D. PINTO

cc: Yong Li & Jing Shi Li ("Aroma Spa") Paul Grygiel, Certified Planner

# REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7. TOWN OF WESTFIELD

# AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES,

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

REG. NO. GB-1 Minimum width Other: Other: Minimum frontage Minimum area within first Other: Other: Other: Other: Maximum all improvements coverage Maximum building coverage (without deck) Minimum gross area Other: Other: Offstreet Parking Required Maximum building height Maximum FAR or total habitable floor area Maximum building coverage (with deck) Minimum rear yard Minimum Sideyard Minimum depth Minimum front yard (per Sections 12.03C & D & E) REGULATION APPLICANT: John A. Pinto, Fam. Led STREET ADDRESS: 439 Central Avenue Portnership ft. of depth SLING Ħ Ħ Ħ Ħ % % 8 Ħ % Ħ Ħ Ħ # REQUIRED 20 Spaces 35 6 70 USE SEPARATE 39 17 4 1.051 19 Ct 63 FT. LOT No. 10 Spaces VARIANCE?\* COLUMN FOR PROPOSED LOT No. EACH LOT VARIANCE?\* Exhibit "A

NOTE: This table must be consistant with the two variance lists, if they are included in the application.

<sup>\*</sup> Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

### TOWN OF WESTFIELD

# LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for he direction of the issuance of certain permits.

n reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall letermine whether any existing non-conforming conditions involving the subject property will exacerbate, ntensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the esolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If he Board finds that substantial impacts or detriments will result, however, the application shall not be approved mless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent reasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

ote: T	his list must be consistent		·	<i></i>
	Section: /1.26 ((1)		Deficiency: MINIMUM SIDE YANG	y
,	Permitted: 10'	Present: ,99++	& 1.05 Ft. Proposed: No change	<u>L</u>
	Section:	Nature of	Deficiency:	
	Permitted:	Present:	Proposed:	
	Section:	Nature of	Deficiency:	
	Permitted:	Present:	Proposed:	
	Section:	Nature of	Deficiency:	
	Permitted:	Present:	Proposed:	8
	Section:	n: Nature of Deficiency:		
	Permitted:	Present:	Proposed:	9
	Section:	Nature of	Deficiency:	
	Permitted:	Present:	Proposed:	

Exhibit "B"

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Lot 100	و							
Owner	Owner JOHN A PINTO FAMILY L	FAMILY LTD P	TD PARTNERSHIP []					
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eneral	Assessed Value	e Additional	General Assessed Value Additional Billing   Deductions   Balance   All Charges   Add/Omit   Notes	alance   All C	harges Add/Omit	Notes		
ear	Year Otr Type Billed	Billed	Principal Balance	Interest	Total Balance	K		
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therD	Other Delinquent Balances:	ces:	. 98 Interest Date: 05/21/20		① Interest Date	ा interest Date हि≡ Interest Detail		
ther A	Other APR2 Threshold Amt	<b>Vinte</b>	86 Per Diem:	9399	Last Payment Date:	84/16/2020 77		
OTAL	TOTAL TAX BALANCE DUE	JUE						
ā.	Principal:	Ĭ	96 Penalty:	88				
Sisc C	Misc Charges	. 88 Int	38 Interest	98 Total:	86.			

\* Indicates Adjusted Billing in a Tax Quarter.

TAXES PAID UP TO DATE

NEXT
TAXES PAID UP TO DATE

TAX DUE
TAX DUE
TAX DUESTIONS, CALL 908-789-4051

TAX COLLECTOR

Exhibit "L"

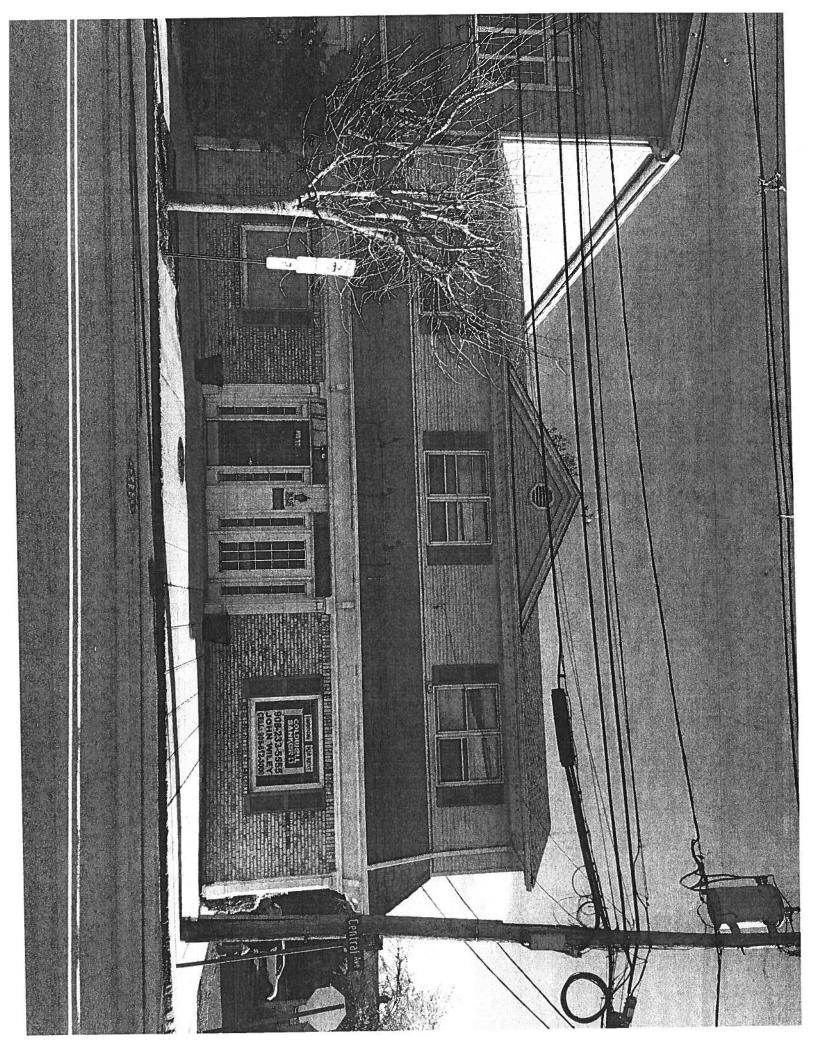
# TOWN OF WESTFIELD UNION COUNTY NEW JERSEY

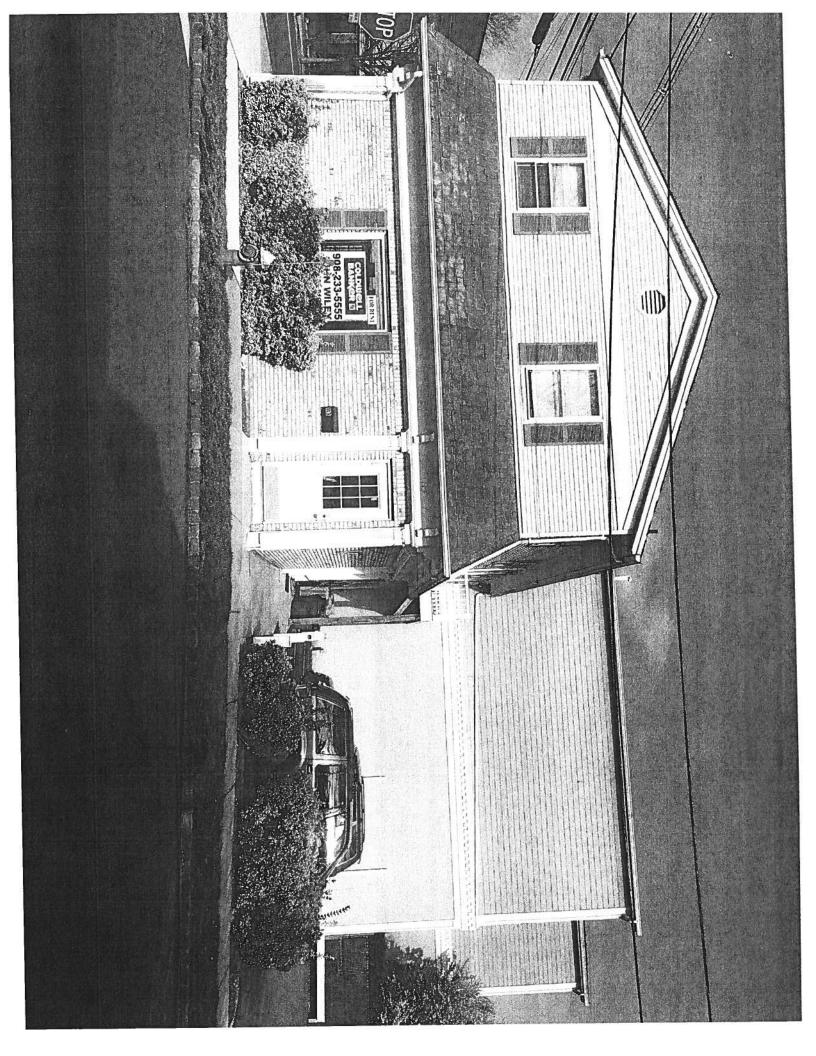
### AFFIDAVIT OF OWNERSHIP

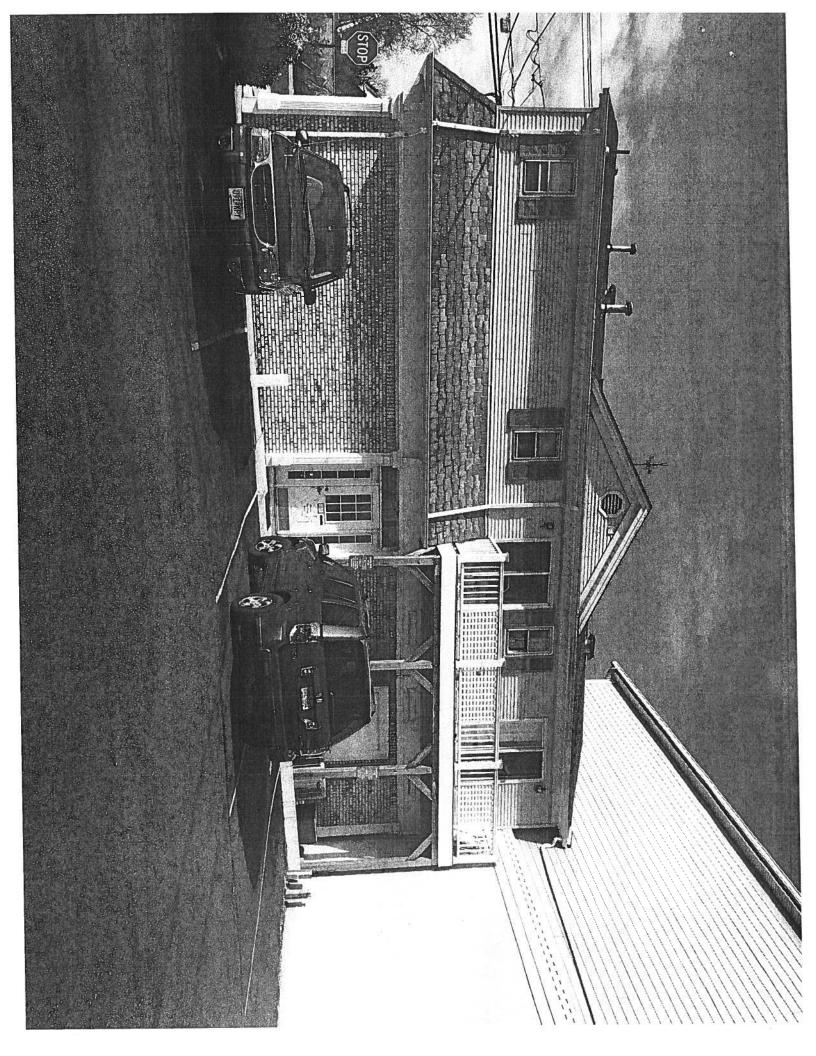
1, Darin D. Pinto	of full age, being duly swom
(Print Name)	
according to law, do hereby certify that I am the of the owner (as listed on the application form within application to the Westfield Planning B	ne (check one) owner or duly authorized officer ), of the following property which is the subject of the oard or Zoning Board of Adjustment:
Block & Lot (s) Block 3206, Lot 6	
Street Address(es) 439 Central Avenue	
Check one:	
1 As the owner (or officer of), I a	n the Applicant in the within application.
consent to the within application and that the i	m not the Applicant. I certify that I have reviewed and information contained herein is true and correct to the ng entity/individual to act as the Applicant in making
b. Authorized individual/Entity interest in	Property (i.e., Tenant, Contract Purchaser):
(Signa	ture of Owner/Officer of Owner)
Sworn and subscribed to before me on this 19th day of Man, 2010.  Notary Public	vaging Partner of hn A. PINTS Family, L.P.

AMY H. POSYTON
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JAN 19, 2021

6x hibit "D"







### PLANNING BOARD TOWN OF WESTFIELD

IN THE MATTER OF APPLICATION

ALFRED PIESCO Application No. S86-8(v)

This matter was heard by the Planning Board of the Town of Westfield on July 17, 1986.

On the basis of the documents, testimony and evidence presented to the Planning Board at the hearing in support of the application for classification and approval of subdivision and variances, the Planning Board has arrived at the following findings of fact and conclusions:

### Findings:

- 1. The applicant seeks classification and approval of subdivision of premises known as 439 Central Avenue, Lot 6, Block 502-A on the Tax Map of the Town of Westfield, pursuant to a sketch plat prepared by H. L. Paff Assoc., Inc., dated May 15, 1986, to create a new building lot. In connection with said subdivision, the applicant seeks variance from Article 10, Section 1020, paragrah (c), subparagraph (2) of the Land Use Ordinance of the Town of Westfield, which requires a front yard setback of 33 feet, whereas the proposed subdivision will be 31 feet from the center line of Sussex Street.
- 2. James Flynn, Esq., appeared as counsel for the applicant. He stated that the purpose of this subdivision is to create a building lot facing Central Avenue. There is an existing two-family house on the lot. Mr. Flynn argued that because the applicant is not expanding or altering existing non-conforming conditions, it was not necessary to apply for any other variances.
- 3. Mrs. Kay Gragnano, real estate broker, testified on behalf of the applicant and stated that she was familiar with this application and the property involved and is of the opinion that this subidivision to create a new building on Central Avenue will have a positive effect on this neighborhood.
- 4. The Board finds that the two-foot variance will not be detrimental to the neighborhood and that creating a new building on the proposed lot would be of benefit to the community.
  - 5. No one appeared in opposition to the application.
- 6. The relief sought by the applicant can be granted without substantial detriment to the public good and without

impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Town of Westfield.

7. The benefits resulting from deviation from the Land Use Ordinance outweigh the detrimental aspects of the relief sought.

### Conclusion:

Based upon the above findings of fact, the Planning Board on motion duly made and seconded, resolved that the subdivision be classified as a minor subdivision and approved and that the variance be granted, subject to compliance by the applicant with all other applicable ordinances, regulations, codes and laws.

Dorothy M. Muth, Secretary

### PLANNING BOARD TOWN OF WESTFIELD

IN THE MATTER OF APPLICATION

ALFRED PIESCO
Application No. SP86-26(v)

This matter was heard by the Planning Board of the Town of Westfield on September 8, 1986.

On the basis of the documents, testimony and evidence presented to the Planning Board at the hearing in support of the application for site plan approval and variances, the Planning Board has arrived at the following findings of fact and conclusions:

### Findings:

- 1. The applicant seeks site plan approval of premises known as 439 Central Avenue, being Lot 6, Block 502A on the Tax Map of the Town of Westfield, in accordance with a site plan prepared by George Vliet, dated August 5, 1986 and a building plan prepared by Richard Berry, dated August, 1986, to construct a combination office and apartment building. In connection with such site plan approval, the applicant seeks approval of variances from the following sections of the Land Use Ordinance of the Town of Westfield:
  - a) Article 10, Section 1020, paragraph (a), which prohibits more than one-third of the floor area from being devoted to residential uses;
  - b) Article 10, Section 1020, paragraph (c), subparagraph (2), which requires a front yard setback of not less than 33 feet from the center line of the street on which the building faces, whereas the proposed building will have a front yard less than 33 feet.
- 2. James Flynn, Esq., appeared as counsel for the applicant. He explained that after the application was filed, final building plans reduced the apartment use to the square footage allowed by the ordinance, and, therefore, the only remaining variance needed is the 33-feet set back from the center line of Central Avenue and Sussex Street.
  - 3. No one appeared in opposition to the application.
- 4. The relief sought by the applicant can be granted without substantial detriment to the public good and without impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Town of Westfield.

5. The benefits resulting from deviation from the Land Use Ordinance outweigh the detrimental aspects of the relief sought and the purposes of the New Jersey Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance requirements.

### Conclusion:

Based upon the above findings of fact, the Planning Board on motion duly made and seconded, resolved that the application for site plan and variance be approved, subject to compliance by the applicant with all other applicable ordinances, regulations, codes and laws.

Dorothy M. Muth, Secretary

### RESOLUTION

## PLANNING BOARD TOWN OF WESTFIELD

### **APPLICATION NO. 03-17**

# APPLICATION OF JOHN A. PINTO FAMILY LIMITED PARTNERSHIP, L.P.

### **439 CENTRAL AVENUE**

WHEREAS, John A. Pinto Family Limited Partnership, L.P. has applied to the Planning Board of the Town of Westfield for minor site plan approval on property known as 439 Central Avenue (also known as Lot 6 in Block 3206 on the Tax Map of the Town of Westfield); and

WHEREAS, the applicant seeks to convert the second floor from residential use to office use; and

WHEREAS, the Site Plan Subdivision Committee met on August 21, 2003, reviewed this application and agreed to make a recommendation to the Planning Board to approve this application; and

WHEREAS, the foregoing matter was presented for consideration by the Planning Board at its meeting on September 4, 2003, with a recommendation for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Town of Westfield on this 9th day of October, 2003, that the application of John A. Pinto Family Limited Partnership, L.P. for minor site plan approval on the Property is approved, subject to the following condition:

1. The applicant shall comply with all applicable ordinances, regulations, codes and laws.

Date:

Kenneth B. Marsh, Secretary

